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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/022,639 | 12/17/2001 | Robert N. Amensen | P05150US0 | 1871 |
| 27139 | 7590 | 01/09/2006 | EXAMINER | |
| MCKEE, VOORHEES & SEASE, P.L.C. ATTN: MAYTAG 801 GRAND AVENUE, SUITE 3200 DES MOINES, IA 50309-2721 | | | KRAMER, JAMES A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3627 | |

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/022,639 | Applicant(s) AMENSEN ET AL. | |
| | Examiner James A. Kramer | Art Unit 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-23, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-23 and 25-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/05 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-11, 13-16, 21-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danneels in view of Dworkin.

Danneels teaches a dynamic linking of supplier web sites (first website) to reseller web sites (second website) which includes the supplier (first) web site adapted to communicate product information to consumers and adapted to receive at least one product purchase selection from the consumer (see for example column 3, lines 25-32).

Danneels further teaches a cart transfer for transferring the at least one product purchase selection from the first website to a shopping cart of a second website (see for example column

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3, line 45 through column 4, line 6). Examiner notes that transfer of the shopping list to the reseller website so that “the user does not have to reselect the list of items to be purchased one her or she is linked to the reseller’s web site,” and “the purchaser being shown a list of items that were previously selected, along with prices therefor, such that the purchaser has the opportunity to change quantities of the items purchased,” represents a transfer of product purchase selections to a “shopping cart”.

Examiner finds support for this assertion by turning to Applicant’s Specification on page 10, lines 20-28 and Figure 5 for a definition of “shopping cart”. Specifically, Applicant states that “a ‘shopping cart’ or ‘cart’ may also be called a ‘shopping basket,’ ‘shopping bag,’ or other container which a consumer may use to hold items to purchase prior to checking out or otherwise completing a transaction.” Examiner asserts a reseller website including a webpage containing a list of items, previously selected (on the supplier website) such that the purchaser has the opportunity to change quantities (illustrates prior to checking out) meets Applicant’s definition of a “shopping cart”. Further the teaching of Danneels (“the purchaser being shown a list of items that were previously selected, along with prices therefor, such that the purchaser has the opportunity to change quantities of the items purchased”) exactly mirrors the “cart” illustrated by Applicant in Figure 5.

Danneels teaches one or more inputs for receiving information about consumer preferences (see for example column 3, lines 40-44).

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Danneels teaches wherein the first website is a manufacturer website (supplier) and the second website is a customer website (reseller) (see for example Background of the Invention).

Danneels teaches a shopping cart on the first website associated with the consumer and adapted to maintain the product purchase selection (see for example column 3, lines 29-31).

Danneels teaches a customer selection component adapted for the consumer to select the second website (see for example column 3, lines 45-47).

Danneels teaches a price and availability component for receiving price and availability of the product purchase selection from the second website (see for example column 4, lines 1-6). Examiner notes that the user/customer receives price and availability information from the reseller (second website) after being transferred to the reseller (second) website is totally consistent with the language of this claim.

Danneels teaches the capability of the product purchase selection being an appliance. Examiner notes that claim 7 is an apparatus claim, as such the claim distinguish itself over the reference based on its structure. The type of product selected relates to the function of the apparatus and as such the system of Danneels need only be capable of use with appliances to anticipate the claim.

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Danneels teaches wherein the cart transfer includes passing a product identifier (see for example column 6, lines 45-47).

Danneels as described in detail above, teaches dynamically generating and displaying a list of resellers from which the purchaser can directly purchase items prior to transferring the selected product from the supplier (first) website to the reseller (second) website (see column 3, lines 34-45)

Danneels further teaches a reseller entering information including information regarding the items of the supplier that are sold available from the reseller (see for example column 3, lines 2-18). However, Danneels does not specifically teach that this information includes pricing, availability and policies of the customer website (reseller) which could then be displayed to the consumer prior to transferring the product purchase selection from first website to second website.

Dworkin teaches an automated system to assist users in locating and purchasing goods or services sold by a plurality of vendors. The system provide users with a listing of price, specification (policies) and availability prior to selection and purchase by the user (see Abstract). Dworkin teaches an object of the invention is to greatly reduce the amount of time required in shopping for products (see column 2, lines 63-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention modify the information entered by the reseller and presented to purchasers of Danneels to include information about price, specification (policies) and availability as taught by Dworkin.

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One of ordinary skill in the art would have been motivated to modify the references in order to greatly reduce the amount of time required in shopping for products.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danneels in view of Dworkin as applied to claim 1 above and in further view of Microsoft Computer Dictionary.

Danneels does not teach the cart transfer includes a XML transfer. However Danneels does teach an HTML code for transfer of product information (cart transfer).

As such Examiner relies on Microsoft Computer Dictionary to teach that XML is a condensed form of SGML which lets developer and designers create customized tags that offer greater flexibility in organizing and presenting information than is possible with older coding systems such as HTML (page 489). In other words, Microsoft Computer Dictionary teaches that XML is an old and well known web/Internet coding standard (also see definition of SGML on page 405).

As such, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the HTML coding of Danneels to XML and in particular to have the cart transfer include an XML transfer, as taught to be old and well known by Microsoft Computer Dictionary. One of ordinary skill at the time of the invention would have been motivated to modify the reference to offer greater flexibility in organizing and presenting information than would have been possible with older coding systems.

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Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danneels in view of Dworkin as applied to claim 1 above and in further view of Official Notice.

Danneels teaches narrowing the list of resellers from which a user can purchase items based on those resellers in the purchaser's proximate geographic area (see column 3, lines 37-45). However, Danneels does not specifically recite that to find resellers based on proximate geographic area a zip code is used. Examiner takes Official Notice that it is old and well known in the art to determine a purchaser's proximate geographic area with a zip. Further one of ordinary skill in the art would recognize that a zip code a standard geographical locator and would be used in order to capitalize on this pre-established standard.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the narrowing of the list of resellers of Danneels by using a zip code submitted by the customer as is old and well known. One of ordinary skill in the art would have been motivated to modify the reference in order to capitalize on the pre-established zip code standard.

Claim 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danneels in view of Official Notice.

Danneels as discussed in detail above further teaches narrowing the list of resellers from which a user can purchase items based on those resellers in the purchaser's proximate geographic area (see column 3, lines 37-45). However, Danneels does not specifically recite that to find resellers based on proximate geographic area a zip code is used. Examiner takes Official Notice that it is old and well known in the art to determine a purchaser's proximate geographic area with

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a zip. Further one of ordinary skill in the art would recognize that a zip code a standard geographical locator and would be used in order to capitalize on this pre-established standard.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the narrowing of the list of resellers of Danneels by using a zip code submitted by the customer as is old and well known. One of ordinary skill in the art would have been motivated to modify the reference in order to capitalize on the pre-established zip code standard.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danneels in view of Official Notice as applied to claim 19 above and in further view of Applicant's Disclosure.

Danneels as described in detail above does not specifically teach the supplier sells appliances. Applicant admits in the "Problems in the Art" section that it is old and well known for appliance manufacturers to sell their appliances over the Internet. Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention modify the products sold in Danneels to specifically include appliances, as it admitted to be old and well known by Applicant. One of ordinary skill in the art would have been motivated to modify the references in order to facilitate the purchase of appliances between the buyers and the manufactures.

Response to Arguments

Applicant's arguments filed 10/31/05 have been fully considered but they are not persuasive.

Applicant asserts that Danneels only discloses the pricing availability information for the selected items after the list of items has been transferred to the reseller website. Applicant

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further asserts that “the combination of Danneels in view of Dworkin is inappropriate because Danneels is a dynamic system of locating resellers with the intent of funneling consumers from the supplier’s website to the resellers website. Dworkin is a static system that gathers information of what suppliers are available for a specific item and then fills the consumer’s needs with the item at the best price. Thus, to combine these references would alter the principal operation of both references.”

Examiner respectfully disagrees. The system of Danneels in order to locate resellers with the intent of funneling consumers to the reseller’s website must collect information from those resellers at the supplier’s website (see for example column 3, lines 2-18). Specifically, this information may include “information regarding the items of the supplier that are available from the reseller for purchase.” (see column 3, lines 9-11). Dworkin is simply relied upon by the Examiner as evidence that at the time of the present invention it was old and well known for this information regarding an item available for sale to include price. As such, the Examiner takes the position that the combination of Danneels in view of Dworkin is proper.

Applicant further asserts that “there would be no motivation, or suggestion to combine the prior art as Danneels is directed towards a symbiotic relationship between the reseller and the supplier and Dworkin isolates the consumer from the supplier.” Examiner respectfully disagrees. As previously pointed out Dworkin teaches the reason to provide price information in one place is to greatly reduce the amount of time required in shopping for products (see column 2, lines 63-65).

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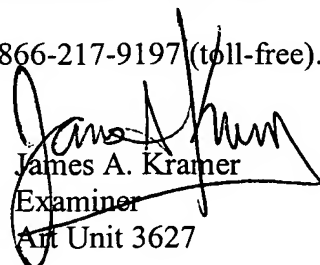
Applicant also asserts "that neither reference addresses precisely the same problem as addressed by the present invention – wanting to increase the likelihood that a sale referred to an online partner is consummated." This argument is not relevant at this time since the references need not address the same problem as the present invention for the Examiner to establish a prima facie case of obviousness (See MPEP 2142).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James A. Kramer
Examiner
Art Unit 3627
1/5/06

jak